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10
11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 SYLVIA CHANDRA AND DAMANY
14 BROWNE, individually and on behalf of all
15 others similarly situated,

16 Plaintiffs,
17 v.

18 PRAGER UNIVERSITY FOUNDATION,

19 Defendant.

20 Case No. 2:25cv3984

CLASS ACTION

DEMAND FOR JURY TRIAL

21
22 **FIRST SECOND AMENDED CLASS ACTION COMPLAINT**

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1 Plaintiffs, Sylvia Chandra and Damany Browne (““Plaintiffs””) bring this action
2 on behalf of themselves and all others similarly situated against Prager University
3 Foundation (““Defendant””). Plaintiffs make the following allegations pursuant to the
4 investigation of their counsel and based upon information and belief, except as to the
5 allegations specifically pertaining to themselves, which are based on their personal
6 knowledge.

7 **NATURE OF THE CASE**

8 1. Defendant Prager University Foundation (““Defendant””) owns and
9 operates its online and mobile applications (““Apps””), including prageru.com (the
10 ““Website””). Through its Website and Apps, Defendant creates ~~videos~~ and hosts a
11 massive library of videos ~~onrelated to many a number of~~ topics, including, but not
12 limited to, philosophy, education, politics, and religion. Further, Defendant also creates
13 and hosts hundreds of educational and entertainment videos ~~explicitly targeted~~
14 ~~targeted~~ specifically to kids, through its prageruPragerUkidsKids brand, which it maintains on
15 its WebsiteWebsite.

16 2. Unbeknownst to Plaintiffs and the Class Members, Defendant knowingly
17 and intentionally discloses its ~~users' users'~~ personally identifiable information—
18 including a record of every video viewed by the user or audiovisual content purchased
19—to unauthorized third parties without first complying with the Video Privacy
20 Protection Act (““VPPA””), 18 U.S.C. § 2710.

JURISDICTION AND VENUE

3. This Court has original jurisdiction under 28 U.S.C. § 1331 based on Plaintiffs' claims under the Video Privacy Protection Act, 18 U.S.C. § 2710, *et seq.* This Court also has subject matter jurisdiction over this lawsuit under the Class Action Fairness Act, 28 U.S.C. § 1332(d)(2) because this is a proposed class action in which: (1) there are at least 100 Class Members; (2) the combined claims of Class Members exceed \$5,000,000, exclusive of interest, attorneys' fees, and costs; and (3) Defendant and at least one Class member are domiciled in different states.

4. This Court has personal jurisdiction over Defendant because it is headquartered in this District. Defendant also conducts substantial business within California, including the sale, marketing, and advertisement of its Website, Apps, products and services.

5. Pursuant to 28 U.S.C. § 1391, this Court is the proper venue for this action because Defendant is headquartered in this District, and a substantial part of the events giving rise to Plaintiffs' Plaintiffs' claims took place within this District.

PARTIES

6. Plaintiff Sylvia Chandra is a citizen of New York, who resides in Deer Park, New York. Plaintiff Sylvia Chandra has created an account with Defendant, by providing Defendant her email address and first and last name, and thereafter watched ~~a~~ prerecorded videos on ~~Defendant's~~ Defendant's Website within the ~~last~~ two years ~~of~~

1 preceding the filing of this ActionComplaint.

2 7. By providing her email address and creating an account with Plaintiff
3 Defendant and/or subscribing to Defendant'sDefendant's newsletter, she became a
4 subscriber to Defendant'sDefendant's services and had with an ongoing relationship
5 with Defendant whereby Defendant would send her promotional emails.

6 8. Throughout Plaintiff Chandra'sChandra's interactions with
7 Defendant'sDefendant's Website, Plaintiff Sylvia Chandra has maintained and used
8 Plaintiff'sPlaintiff's Facebook account, which publicly disclosed certain information
9 about her including but not limited to her name, picture, familial relationships etc., from
10 the same browser Plaintiff used to watch a prerecorded videos from
11 Defendant'sDefendant's Website.

12 9. Plaintiff Damany Browne is a citizen of New York, who resides in
13 Brooklyn, New York. Plaintiff Damany Browne has created an account with Defendant,
14 by providing Defendant his email address and first and last name, and watched
15 prerecorded videos on Defendant'sDefendant's Website within the last two years of
16 preceding the filing of this ComplaintAction.

17 10. By providing his email address and creating an account with
18 PlaintiffDefendant, Plaintiff Browne became a subscriber to Defendant'sDefendant's
19 services. As part of this relationship, Defendant would send emails to Defendant
20 PlaintiffBrowne regarding new video content and articles. PlaintiffBrowne Defendant

1 was also able to log in to his account to get video notifications, watch videos, favorite
2 the videos that he watched and create playlists of the videos.

3 11. Throughout Plaintiff Browne's interactions with
4 Defendant's Website, Plaintiff Browne maintained and used
5 Plaintiff's Facebook account, which publicly disclosed certain information
6 about him, including but not limited to his name, picture, familial relationships, etc.,
7 from the same browser Plaintiff used to watch—a prerecorded videos from
8 Defendant's Website.

9 12. Pursuant to the systematic process described herein, Defendant caused
10 Plaintiff Sylvia Chandra and Plaintiff Damany Browne's video viewing
11 historiesy to be sent along with theirPlaintiffs' personally identifiable information
12 (“PII”), in the form of their Facebook IDs and other stored identifiers (collectively
13 referred to herein as personally identifiable information “PII”),such as their name and
14 photo, to Facebook and upon information and belief, other third parties, without
15 Plaintiffs'Plaintiff's knowledge or consent each time Plaintiff they requested and
16 obtained prerecorded viewed video content through the WebsiteWebsite.

17 13. Plaintiffs never consented, agreed, nor permitted Defendant to transmit or
18 otherwise disclose theirPlaintiffs' PII and video viewing information to Facebook or
19 other third parties and certainly did not do so for purposes violative of the VPPA.

20 14. Defendant Prager University Foundation is a Virginia corporation with its

1 principal place of business located in Sherman Oaks, California.

2 **GENERAL ALLEGATIONS**

3 ***History and Overview of the VPPA***

4 15. The impetus for the VPPA began with President Ronald Reagan's~~Reagan's~~
5 nomination of Judge Robert Bork to the United States Supreme Court. During the
6 confirmation process, a movie rental store disclosed the nominee's~~nominee's~~ rental
7 history to the Washington City Paper which then published that record. Congress
8 responded by passing the VPPA, with an eye toward the digital future. As Senator
9 Patrick Leahy, who introduced the Act, explained:

10 “It is nobody's~~nobody's~~ business what Oliver North or Pratik Bork or
11 Griffin Bell or Pat Leahy watch on television or read or think about when
12 they are home. In an area of interactive television cables, the growth of
13 computer checking and check-out counters, of security systems and
14 telephones, all lodged together in computers, it would be relatively easy at
15 some point to give a profile of a person and tell what they buy in a store,
16 what kind of food they like, what sort of television programs they watch,
17 who are some of the people they telephone. I think that is wrong””.

18 S. Rep. 100-599, at 5-6 (internal ellipses and brackets omitted).

19 16. In 2012, Congress amended the VPPA, and in so doing, reiterated the
20 Act's~~Act's~~ applicability to “so-called “on-demand” cable services and Internet
21 streaming services [that] allow consumers to watch movies or TV shows on televisions,
22 laptop computers, and cell phones.”” S. Rep. 112-258, at 2.

1 17. The VPPA prohibits “[a] video tape service provider who knowingly
2 discloses, to any person, personally identifiable information concerning any consumer
3 of such provider.” 18 U.S.C. § 2710(b)(1). The VPPA defines personally identifiable
4 information (“PII”) as “information which identifies a person as having requested or
5 obtained specific video materials or services from a video tape service provider.” 18
6 U.S.C. § 2710(a)(3). A video tape service provider is “any person, engaged in the
7 business, in or affecting interstate or foreign commerce, of rental, sale, or delivery of
8 prerecorded video cassette tapes or similar audio visual materials.” 18 U.S.C. §
9 2710(a)(4).

Defendant is a Video Tape Service Provider

1 18. Defendant offers a wide array of prerecorded videos ~~for viewing~~ on its
2 Website and App,Website created and hosted by it,that it creates and hosts related to
3 entertainment, politics, philosophy, and religion, amongst other things.

19. Defendant has consumers in the form of individuals who:

- a. Viewed or requested prerecorded videos on Defendant's website; and/or
- b. Subscribed to Defendant's newsletter by providing personal information, such as at a minimum, their email address, stored cookies, and IP address; and/or
- c. Created an account with Defendant by providing personal information.

such as at a minimum their email address, stored cookies, IP address;
and first and last name; and/or

d. Made purchases from Defendant's online store.

d.

Defendant Knowingly Discloses Consumers' PII To Third Parties

20. When ecustomersconsumers request, view or purchase audiovisual content from Defendant'sDefendant's Website or Apps, Defendant transmits their Personal Viewing Information~~their Personal Viewing Information is transmitted~~ to Facebook, and other unauthorized third parties as a result of the tracking tools that Defendant purposely installed and implemented on its Website and Apps. Defendant controlled its Website and~~,~~ Apps, and all of the tracking technologies that it used to transmit its consumer~~customers~~customers' Personal Viewing Information to unauthorized parties. Importantly, Facebook would not have received Plaintiffs'~~Plaintiffs'~~ or the Class Members'~~Members'~~ Personal Viewing Information but for Defendant's~~Defendant's~~ decision to install and use Facebook's~~Faceebook's~~ Business Tools, including the Facebook Pixel and Conversions API,¹ and other tracking technologies on its Website and Apps.

21. Moreover, Defendant controlled which data was tracked, recorded, and

¹ Notably, the Facebook Pixel works in conjunction with its Conversion API tool and, as a result, Defendant transmits one copy of its consumer's viewing information directly from its web server to Meta's web servers. Additional copies of this information are also communicated through the use of cookies.

1 transmitted when its ecustomers-consumers requested or viewed its video content.

2 22. Defendant'sDefendant's knowledge as to its conduct is evidenced by the
3 fact that: (1) it chose to track its ecustomers'customers'consumers' interactions with the
4 Website and Apps, including their video viewing habits; (2) it requested and installed
5 lines of code that achieved this purpose; (3) it obtained the lines of code from Facebook
6 and other third parties in order to achieve this purpose; and (4) it controlled the
7 information that was tracked, recorded, and transmitted via the Website and the Apps.

8 **Defendant'sDefendant's use of Facebook Business Tools and Tracking Pixels**

9 23. Facebook is a real identity platform, meaning that users are allowed only
10 one account and must share the name they go by in everyday life. To that end, when
11 creating an account, users must provide their first and last name, along with their
12 birthday and gender.

13 24. Businesses, such as Defendant, use Facebook'sFacebook's Business Tools
14 to monitor and record their website and app visitors'visitors' devices and specific
15 activities for marketing purposes.

16 25. More specifically, the Facebook pixel that Defendant installed and used
17 tracked, recorded, and sent Facebook its ecustomers'customers'consumers' granular
18 Website and Apps activity, including the names of specific prerecorded videos that
19 ecustomers-consumers' requested and/or viewed each time through
20 Defendant'sDefendant's Website and Apps. The information is not merely metadata.

1 26. Defendant's~~Defendant's~~ motivation for using the Facebook Pixel and
2 related Facebook Business Tools is simple—it financially benefits Defendant in the
3 form of advertising and information services that Defendant would otherwise have to
4 pay for.

5 27. The information Facebook receives from Defendant identifies customers
6 consumers ~~by based on~~ their unique ~~and~~ persistent Facebook IDs ("FID"), which ~~are~~
7 sent to Facebook as one data point alongside the title of the audio visual~~audio visual~~
8 material the specific customer consumer requested or purchased.

9 28. Notably, these marketing tools are not required for
10 Defendant's~~Defendant's~~ Website or Apps to function correctly~~properly~~. Even if it finds
11 the tools helpful, it could have used them in a manner that does not reveal its
12 customers' customers' consumers' Personal Viewing Information.

13 29. Any ordinary person who comes into possession of a Facebook ID can
14 easily use that information to identify a particular individual and their corresponding
15 Facebook profile, which contains additional information such as the person's~~person's~~
16 online user name, real name, gender, birthday, place of residence, career, educational
17 history, a multitude of photos, and the content of a Facebook user's~~user's~~ posts. This
18 information may reveal even more sensitive personal information—for instance, posted
19 photos may disclose the identity of family members, and written posts may disclose
20 religious preferences, political affiliations, personal interests, and more.

1 30. All that would be required would be to append the Facebook ID to the end
2 of the URL facebook.com or facebook.com/profile.php?id=, e.g.,x
3 Facebook.com/“FacebookID” or facebook.com/profile.php?id=“FacebookID”. This
4 would take you to the Facebook page of the person whose Facebook ID you have, and
5 at a minimum reveal their photo, name, gender, location, as well as other information
6 such as friends, familial connections, etc.

7 31. The data revealed would be obtainable to any person, not just Facebook,
8 because if a person has a Facebook account, there is always a certain amount of data
9 associated with that account that is public to everyone. And Facebook itself, which is a
10 third-party, has access to even more personal information than what is put out available
11 to the public. Here, both Plaintiffs had their name, photos, genders, Facebook friends,
12 and Facebook handles, and among other personal information, publicly available to
13 anyone that who had their Facebook ID. Here, by operation of the Meta Pixel and third-
14 party tracking technology, Prager revealed this Plaintiffs’ PH names, Facebook IDs, and
15 other identifiable informationat a minimum, along with the titles of the videos
16 Plaintiffs’ watched to to Facebook.

17 **Defendant’sDefendant’s Use of Tracking Tools**

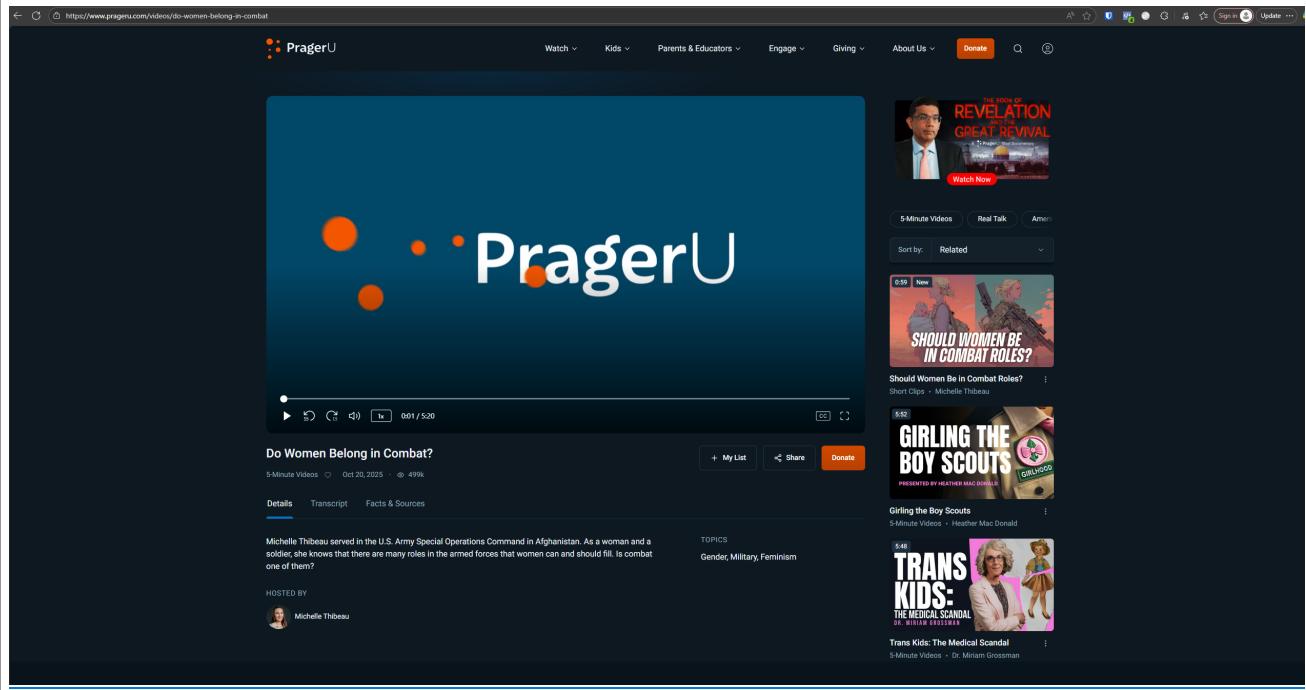
18 32. When Defendant’sDefendant’s customersconsumers’ request or view
19 audio visual content on Defendant’sDefendant’s Website, the specific title of the video
20 or video game is transmitted to Facebook alongside the

1 customers'customers'consumers' persistent and unique Facebook identifiers, thereby
2 revealing their Personal Viewing Information to Facebook. However, eustomers
3 consumers' are unaware of this because, amongst other things, Defendant does not
4 inform visitors or subscribers to its Website that's their transmissions-interactions with
5 its Website are logged as alleged herein and their personally identifiable information is
6 contemporaneously transmitted to Facebookare completely invisible to ordinary
7 eustomers viewing Defendant's webpages.

8 32.33. When a consumer watches a video on Defendant'sDefendant's
9 Websitewebsite, Facebook makes a request to the Defendant'sDefendant's server to,
10 requesting that Defendant capture and then transfer the video title as well as the
11 user'suser's Facebook ID (from the stored cookies on a consumer's device). Defendant
12 then responds to Facebook'sFacebook's server request and sends the video title based
13 on the consumer's interaction with Defendant's Website and the Facebook ID (from
14 stored cookies) and other personal identifiers to Facebook in an easily readable,
15 unencrypted format.

16 34. The below figures below show what an ordinary person sees, as well as
17 what is being sent to Facebook. These figures were captured by using network tools that
18 are built into ordinary computer browsers, such as Chrome, Microsoft eEdge, etc. They
19 reflect the requests made to Defendant'sDefendant's Websitewebsite by Facebook, and
20 Defendant'sDefendant's response to those requests.

1 35. While Figure 1 shows what ordinary customersconsumers sees on their
2 screens as when they watch a video on they use the the WebsiteWebsite.



11 Figure 1

12 36. Figures 2 showsshows the network requests happening behind the scenes,
13 i.e., the communications transpiring between Defendant and Facebook. The
14 ““payload”” reflects data being transferred to Facebook. By looking at the ““payload,“”
15 the Figure revealswe see that the data Defendant is transferring to Facebook includes
16 the video title for the consumer'sconsumer's current video viewing session. In this
17 illustration, the title is plainly spelled out twice as ““https://www.prageru.com/videos/do-
18 women-belong-in combat”” and {““title””!.” “Do Women Belong in Combat? | PragerU!””}

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1  Headers Payload Preview Response Initiator Timing Cookies
2  ▼ Form Data View source View decoded
3  id 925837840851502
4  ev SubscribedButtonClick
5  dl https://www.prageru.com/videos/do-women-belong-in-combat
6  rl https://www.prageru.com/
7  if false
8  ts 1761237761061
9  cd[buttonFeatures] {"classList":"absolute inset-0 flex h-full w-full items-start justify-start p-4 translate-y-0 opacity-100","destination":"","id":"","imageUrl":"","innerText":"Tap To Unmute","numChildButtons":0,"tag":"button","type":"button","name":"","value":""}
10 cd[buttonText] Tap To Unmute
11 cd[formFeatures] []
12 cd[pageFeatures] {"title":"Do Women Belong in Combat? | PragerU"}
13 sw 2560
14 sh 1440
15 v 2.9.237
16 r stable
17 a seq
18 ec 4
19 o 12318
20 fbp fb.11743779549416.8462244216299851
21 ler empty
22 pmd[description] Michelle Thibau served in the U.S. Army Special Operations Command in Afghanistan. As a woman and a soldier, she knows that there are many roles in the...
23 pmd[keywords] gender,sexes,military,u.s. military,war,afghanistan,gvot,feminism,gender binary,infantry,front lines,u.s. military,biological differences
24 pmd[contents] [{"name":"Do Women Belong in Combat? | PragerU","description":"Michelle Thibau served in the U.S. Army Special Operations Command in Afghanistan. As a woman and a soldier, she knows that there are many roles in the..."}]
25 plt 1618.7999999523163
26 it 1761237743657
27 coo false
28 dpo LDU
29 dpco 0
30 dpost 0
31 es automatic
32 tm 3
33 expv2[0] pl1
34 expv2[1] el2
35 expv2[2] bc1
36 rqm SB

```

Figure 2

37. Defendant transfers to Facebook individual titles of prerecorded videos watched by users. While Figure 2 shows that Defendant is transferring individual titles to Facebook during viewing sessions, Figure 3 shows the cookies associated with each viewing session that are also being transferred to Facebook. The purpose of the cookie is to associate a specific person with the data being transferred (i.e., the session interactions and video titles) being transferred. Figure 3 shows explicitly specifically shows the cookies related to associated with the session in Figure 2. As illustrated in Figure 3, each time the consumer watches a prerecorded video, Defendant also transfers to Facebook with alongside the title of the prerecorded video material to Facebook, a consumer's c user cookie that is specifically designed to reflect the user's user's

1 Facebook ID.² As shown in [the Figure 3](#), identifying the c_user is not tricky, requires
 2 no technological training, and is not laboriousdifficult. It is shown plainly on the left-
 3 hand side of the table labeled ““c_user.”” And the value is clearly shown on the right
 4 side of c_user; in this illustration, it is 100069197062755, reflecting plainly shown to
 5 the right side of the c_user, and in this illustration that value is 100069197062755 — this
 6 value is the user’s user’s Facebook ID.

Cookies											
Request Cookies		Response Cookies									
Name	Value	Domain	Path	Expires / M...	Size	HttpOnly	Secure	SameSite	Partition Ke...	Cross Site	Priority
ar_debug	1	.facebook.c...	/	Session	9	✓	✓	None			Medium
c_user	100069197062755	.facebook.c...	/	2026-10-22...	21		✓	None			Medium
datr	_74Z3xKyEWpDUoHUC82F3p8	.facebook.c...	/	2026-02-20...	28	✓	✓	None			Medium
fr	10Tsc0WLlqnlhpeTAWHtg7PkUc229krtqC-8132Poa_Db3Gmqbh4n...	.facebook.c...	/	2026-01-20...	122	✓	✓	None			Medium
sb	_74zJf5kwBbxqUPm8-_56	.facebook.c...	/	2026-11-12...	26	✓	✓	None			Medium
xs	13%AJrNUsWPQ5w1a%3A2%3A1759939861%3A-1%3A-1%3A%3A...	.facebook.c...	/	2026-10-22...	97	✓	✓	None			Medium

7 [Figure 3](#)

8 11 38. None of the viewing data sent by Defendant to Facebook is encrypted in
 12 any way, shape, or form.

13 39. For each video request made by the user on Defendant’s
 14 Wwebsite, Defendant transmits to Facebook the title of the video and the user’s
 15 Facebook ID.

16 33. After becoming subscribers to Defendant, and within the statute of
 17 limitations period, the individual Plaintiffs had their dataPII transferred mitted or

19 20 ² The Facebook ID is stored in a small piece of code known as a “cookie” that Meta launches and
 stores in the internet browsers of each Meta accountholder’s device(s) to distinguish between
 website visitors. See Meta, *How to Create a Custom Audience from Your Customer List*, FACEBOOK
 FOR BUSINESS, <https://www.facebook.com/business/help/471978536642445?id=1205376682832142> (last visited Oct. 27, 2025)

1 otherwise disclosed in the same manner outlined and shown in Figures 1, 2 and 3. how
2 Defendant sends to Facebook Plaintiffs and the Class Members PH along with the title
3 of the video watched by a consumer through the Website.

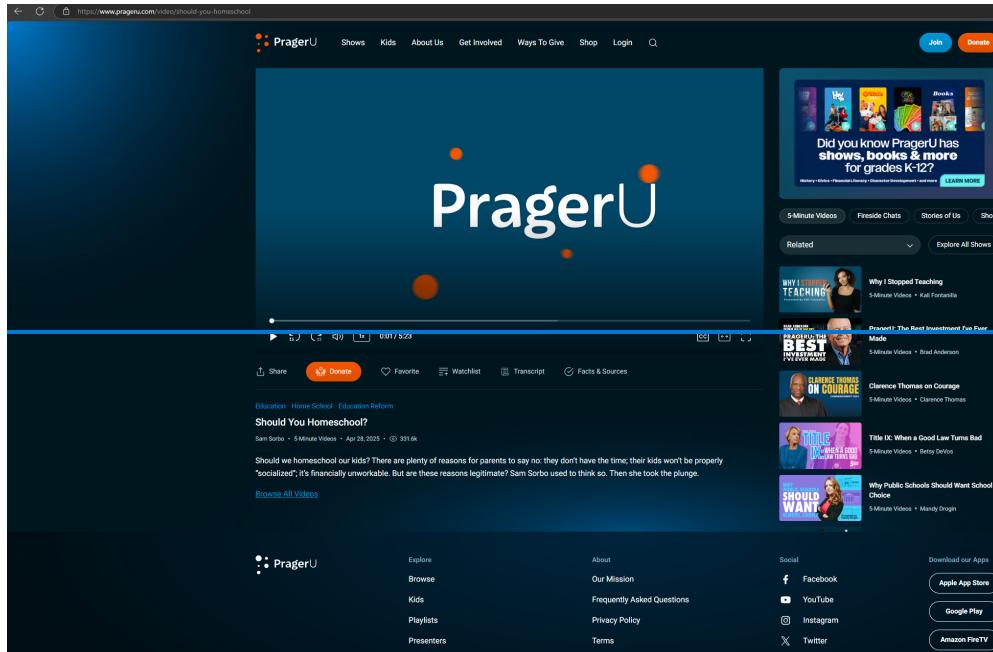
4 _____

5 _____

6 _____

7 _____ **[Intentionally Left Blank]**

8 _____



16 _____ *Figure 1. The image above is a screenshot of what a user sees when they attempt to
17 watch a video on Defendant's Website. The page does not contain any logos or indications that their
18 interactions are recorded and sent to Facebook.*

19 _____

20 _____



Figure 2. The images above represent a screenshot of a network traffic report that was taken when a user attempts to watch a video from Defendant's Website, at which time the personal viewing information was transmitted to Facebook.

40.

41. Upon information and belief, Defendant also transmits its customers' customers' consumers' Personal Viewing Information to Facebook and additional unauthorized third parties – including Google, TikTok, and Twitter – through other tracking technologies installed on its Website and Apps. The personally identifiable information disclosed by Defendant to these third parties includes email addresses used for account registration and other personal identifiers stored on their devices in the browser's cookies.

34

35.42. The Personal Viewing Information that Defendant obtained from Plaintiffs

1 and the Class Members is valuable data in the digital advertising-related market for
2 consumer information.

3 36.43. At no point did Plaintiffs or the Class Members consent to
4 Defendant's~~Defendant's~~ disclosure of their video viewing history to third parties. As
5 such, Defendant deprived Plaintiffs and the Class Members of their privacy rights and
6 control over their personal information.

7 37.44. The harms described above are aggravated by Defendant's~~Defendant's~~
8 continued retention and commercial use of Plaintiffs'~~Plaintiffs'~~ and the Class
9 Members'~~Members'~~ personal information, including their private video viewing
10 histories.

11 CLASS ACTION ALLEGATIONS

12 38.45. Plaintiffs bring this action on behalf of themselves and all other similarly
13 situated persons pursuant to Federal Rules of Civil Procedure 23(a), (b)(1), and (b)(3).
14 Specifically, the Class is defined as:

15 All persons in the United States who, during the maximum period
16 of time permitted by law, used Defendant's~~Defendant's~~ Website
17 or Apps to view, purchase, or request prerecorded audio visual
18 materials using their mobile or computer browsers.

19 39.46. The Class does not include (1) Defendant, its officers, and/or its directors;
20 or (2) the Judge to whom this case is assigned and the Judge's~~Judge's~~ staff.

21 40.47. Plaintiffs reserve the right to amend the above class definition and add
22 additional classes and subclasses as appropriate based on investigation, discovery, and

1 the specific theories of liability.

2 **41.48. Community of Interest:** There is a well-defined community of interest
3 among members of the Class, and the disposition of the claims of these members of the
4 Class in a single action will provide substantial benefits to all parties and to the Court.

5 **42.49. Numerosity:** While the exact number of members of the Class is unknown
6 to Plaintiffs at this time and can only be determined by appropriate discovery, upon
7 information and belief, members of the Class number in the millions. Members of the
8 Class may also be notified of the pendency of this action by mail and/or publication
9 through the distribution records of Defendant and third-party retailers and vendors.

10 **43.50. Existence and predominance of common questions of law and fact:**
11 Common questions of law and fact exist as to all members of the Class and predominate
12 over any questions affecting only individuals of the Class. These common legal and
13 factual questions include, but are not limited to:

14 (a) Whether Defendant collected Plaintiffs' Plaintiffs' and the Class
15 Members' Members' PII;

16 (b) Whether Defendant unlawfully disclosed and continues to disclose its
17 users' users' PII, including their video viewing records, in violation of the VPPA;

18 (c) Whether Defendant's Defendant's disclosures were committed knowingly;
19 and

20 (d) Whether Defendant disclosed Plaintiffs' Plaintiffs' and the Class

1 Members' Members' PII without consent.

2 44.51. Typicality: Plaintiffs' Plaintiffs' claims are typical of those of the Class
3 because Plaintiffs, like all members of the Class, requested and viewed audio visual
4 materials on Defendant's Defendant's Website and had their PII collected and disclosed
5 by Defendant to third parties.

6 45.52. Adequacy: Plaintiffs will fairly and adequately represent and protect the
7 interests of the Class as required by Federal Rule of Civil Procedure Rule 23(a)(4).
8 Plaintiffs are adequate representatives of the Class because Plaintiffs have no interests
9 which that are adverse to the interests of the members of the Class. Plaintiffs are
10 committed to the vigorous prosecution of this action and, to that end, Plaintiffs have
11 retained skilled and experienced counsel.

12 46.53. Moreover, the proposed Class can be maintained because it satisfies both
13 Rule 23(a) and 23(b)(3) because questions of law or fact common to the Class
14 predominate over any questions affecting only individual members and a Class Action
15 is superior to all other available methods of the fair and efficient adjudication of the
16 claims asserted in this action under Federal Rule of Civil Procedure 23(b)(3) because:

17 (a) The expense and burden of individual litigation makes it economically
18 unfeasible for members of the Class to seek to redress their claims other than through
19 the procedure of a class action;

20 (b) If separate actions were brought by individual members of the Class, the

1 resulting duplicity of lawsuits would cause members of the Class to seek to redress their
2 claims other than through the procedure of a class action; and

3 (c) Absent a class action, Defendant likely will retain the benefits of its
4 wrongdoing, and there would be a failure of justice.

5 **CAUSES OF ACTION**

6 **COUNT I**

7 **Violation of the Video Privacy Protection Act**
18 U.S.C. § 2710, *et seq.*

8 **47.54.** Plaintiffs incorporate by reference each of the allegations contained in the
9 foregoing paragraphs of this Complaint as though fully set forth herein.

10 **48.55.** The VPPA prohibits a “video tape service provider” from knowingly
11 disclosing “personally-identifiable information” concerning any “consumer” to a
12 third-party without the “informed, written consent (including through an electronic
13 means using the Internet) of the consumer.” 18 U.S.C. § 2710.

14 **49.56.** As defined in 18 U.S.C. § 2710(a)(4), a “video tape service provider” is
15 “any person, engaged in the business, in or affecting interstate commerce, of rental,
16 sale, or delivery of prerecorded video cassette tapes or similar audiovisual materials.”
17 Defendant is a “video tape service provider” as defined in 18 U.S.C. § 2710(a)(4)
18 because it engaged in the business of delivering audiovisual materials—hundreds of
19 prerecorded videos on a wide array of topics—and those deliveries affect interstate or
20 foreign commerce.

1 50.57. As defined in 18 U.S.C. § 2710(a)(1), a ““consumer”” means ““any renter,
2 purchaser, or subscriber of goods or services from a video tape service provider.””

3 Plaintiffs and the Class Members are ““consumers”” because they:

- 4 a. Created an account with Defendant by providing at a minimum, their first
5 and last name, IP address, browser’s stored cookies, and email address,
6 then purchased, requested and/or viewed audio visual materials;
- 7 b. Subscribed to Defendant’s Defendant’s newsletter by providing at a
8 minimum, their IPr_ip address, browser’s stored cookies, and email
9 address, then requested and/or viewed audio visual materials; and/or
- 10 c. Made a purchase Purchased from from Defendant’s Defendant’s store
11 through Defendant’s Defendant’s Website.

12 51.58. Defendant knowingly caused Plaintiffs’ Plaintiffs’ and the Class
13 Members’ Members’ Personal Viewing Information, as well as the above-referenced
14 unique identifiers, to be disclosed to third parties, such as Facebook. This information
15 constitutes ““personally identifiable information”” under 18 U.S.C. § 2710(a)(3)
16 because it identified each Plaintiff and Class members to third parties as individuals
17 who purchased or requested audiovisual materials from Defendant. This information
18 allowed third parties, such as Facebook, to identify each Plaintiff Plaintiffs’ and Class
19 Member’s Member’s specific video viewing preferences and habits.

20 52.59. As set forth in 18 U.S.C. § 2710(b)(2)(B), ““informed, written consent””

1 must be (1) ““in a form distinct and separate from any form setting forth other legal or
2 financial obligations of the consumer;”” and (2) ““at the election of the consumer...is
3 either given at the time the disclosure is sought or is given in advance for a set period
4 of time not to exceed two years or until consent is withdrawn by the consumer,
5 whichever is sooner.”” Defendant failed to obtain informed, written consent from
6 Plaintiffs and the Class Members under this definition.

7 53.60. Defendant was aware that the disclosures to third parties that it shared
8 through the tracking software that it incorporated in its Website and Apps identified
9 Plaintiffs and the Class Members. Indeed, Facebook publicly touts its ability to connect
10 PII to individual user profiles. Defendant also knew that Plaintiffs'Plaintiffs' and the
11 Class Members'Members' Personal Viewing Information wereas disclosed to third
12 parties because Defendant programmed the tracking software into the
13 Website'sWebsite's and Apps'Apps' code so that third parties would receive the video
14 titles and consumer'sseonsumer's unique third-party identifiers when a consumer
15 requested and/or purchased a videos or other prerecorded audio visual material on the
16 Website or Apps. The purpose of those trackers was to obtain identifiable analytics and
17 intelligence for Defendant about its user base, while also benefiting Facebook and other
18 third parties, by providing them with additional data that they can leverage for their
19 advertising, analytics, and/or other services.

20 54.61. Nor were Defendant'sDefendant's disclosures made in the ““ordinary

1 course of business” as the VPPA defines the term~~the term is defined by the VPPA~~. In
2 particular, the Website's~~Website's~~ and app's~~app's~~ disclosures to Facebook were not
3 necessary for “~~debt collection activities, order fulfillment, request processing, [or]~~
4 transfer of ownership.”¹² 18 U.S.C. § 2710(a)(2).

5 55.62. On behalf of Plaintiffs and the Class Members, Plaintiffs seek declaratory
6 relief, statutory damages of \$2,500 for each violation of the VPPA pursuant to 18 U.S.C.
7 § 2710(c), and reasonable attorneys'attorneys' fees and costs.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiffs, individually and on behalf of all others similarly
10 situated, seek~~s~~ judgment against Defendant as follows:

- 11 a) For an order certifying the Class under Rule 23 of the Federal
Rules of Civil Procedure and naming Plaintiffs as representative of
the Class, and Plaintiffs'Plaintiffs' Counsel as Class Counsel;
- 12 b) For an order declaring that Defendant'sDefendant's conduct
violates each of the statutes referenced herein;
- 13 c) For an order finding in favor of Plaintiffs and the Class on all
counts asserted herein;
- 14 d) For compensatory, statutory, and punitive damages in amounts to
be determined by the Court and/or jury;
- 15 e) For prejudgment interest on all amounts awarded;
- 16 f) For an order of restitution and all other forms of equitable
monetary relief;
- 17 g) For injunctive relief as pleaded or as the Court may deem proper;
- 18 h) For an order awarding Plaintiffs and the Class their reasonable
attorneys'attorneys' fees and expenses and costs of suit.

19 **JURY TRIAL DEMANDED**

1 Plaintiffs, individually and on behalf of members of the Class, demands a trial by
2 jury on all causes of action and issues so triable.

3 Dated: November 4, 2025~~October 31, 2025~~~~October 27, 2025~~~~October 8, 2025~~
4 —Respectfully submitted,

5 */s/ Frank S. Hedin*
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15 *Counsel for Plaintiff and the Putative Class*